

# HOUSE BILL 1209

P2

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By: **Delegates Hucker, Cullison, and Frick**  
Introduced and read first time: February 10, 2012  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Procurement – Preferences – Businesses Located in the State**

3 FOR the purpose of requiring a unit of State government to allow a resident bidder or  
4 resident offeror to resubmit the bid or offer, under certain circumstances, to  
5 match the lowest bid or offer; defining certain terms; and generally relating to  
6 preferences for businesses located in the State.

7 BY adding to

8 Article – State Finance and Procurement

9 Section 14–401.1

10 Annotated Code of Maryland

11 (2009 Replacement Volume and 2011 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article – State Finance and Procurement**

15 **14–401.1.**

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
17 MEANINGS INDICATED.

18 (2) “RESIDENT BIDDER” MEANS A BIDDER WHOSE PRINCIPAL  
19 OFFICE IS LOCATED IN THE STATE.

20 (3) “RESIDENT OFFEROR” MEANS AN OFFEROR WHOSE  
21 PRINCIPAL OFFICE IS LOCATED IN THE STATE.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) WHEN A UNIT USES COMPETITIVE SEALED BIDDING TO AWARD A**  
2 **PROCUREMENT CONTRACT, THE UNIT SHALL ALLOW A RESIDENT BIDDER TO**  
3 **RESUBMIT THE BID IN ORDER TO MATCH THE LOWEST BID IF:**

4                   **(1) THAT RESIDENT BIDDER SUBMITTED THE LOWEST**  
5 **RESPONSIVE BID FROM A RESIDENT BIDDER;**

6                   **(2) THAT RESIDENT BIDDER IS A RESPONSIBLE BIDDER;**

7                   **(3) A RESPONSIBLE BIDDER WHOSE PRINCIPAL OFFICE OR**  
8 **OPERATION IS IN ANOTHER STATE SUBMITTED THE LOWEST RESPONSIVE BID;**  
9 **AND**

10                   **(4) THE RESUBMISSION OF THE BID DOES NOT CONFLICT WITH A**  
11 **FEDERAL LAW OR GRANT AFFECTING THE PROCUREMENT CONTRACT.**

12           **(C) WHEN A UNIT USES COMPETITIVE SEALED PROPOSALS TO AWARD A**  
13 **PROCUREMENT CONTRACT, THE UNIT SHALL ALLOW A RESIDENT OFFEROR TO**  
14 **RESUBMIT THE OFFER IN ORDER TO MATCH THE LOWEST OFFER IF:**

15                   **(1) THAT RESIDENT OFFEROR SUBMITTED THE LOWEST OFFER**  
16 **FROM A RESIDENT OFFEROR;**

17                   **(2) THAT RESIDENT OFFEROR IS A RESPONSIBLE OFFEROR;**

18                   **(3) A RESPONSIBLE OFFEROR WHOSE PRINCIPAL OFFICE OR**  
19 **OPERATION IS IN ANOTHER STATE SUBMITTED A PROPOSAL; AND**

20                   **(4) THE RESUBMISSION OF THE OFFER DOES NOT CONFLICT WITH**  
21 **A FEDERAL LAW OR GRANT AFFECTING THE PROCUREMENT CONTRACT.**

22           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2012.